

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

and

THE STATE OF OHIO,

Plaintiffs,

v.

THE CITY OF LAKEWOOD, OHIO,

Defendant.

Civil Action No.: 1:22-cv-01964

**UNITED STATES' NOTICE OF LODGING OF CONSENT DECREE**  
**WITH CITY OF LAKEWOOD, OHIO**

The United States hereby lodges the accompanying proposed Interim Partial Consent Decree ("Decree") with this Court for the purpose of soliciting public comment on the proposed agreement. No action is requested of the Court at this time.

The United States and the State of Ohio, on behalf of the United States EPA and Ohio EPA, have filed an action under the Clean Water Act relating to the sewer system serving the City of Lakewood, Ohio. The Complaint alleges that on at least 1,933 occasions from January 2016 through the present, the City of Lakewood ("Lakewood") has discharged untreated sanitary sewage into waters of the United States, from either an unpermitted discharge point or a permitted stormwater discharge point. The Complaint also alleges that on numerous occasions, from January 2016 through the present, Lakewood discharged effluent from combined sewer overflow outfalls in violation of its National Pollutant Discharge Elimination System permit.

The proposed Decree requires Lakewood to complete construction of a high-rate treatment system that will treat combined sewer overflows and to build two large storage basins that will hold millions of gallons of wastewater until it can be sent to the wastewater treatment plant. Under the Decree, Lakewood will also conduct multiple pipe lining and repair projects within its system designed to eliminate causes of sanitary sewer overflows. Lakewood will also undertake a sampling pilot study designed to identify sewage in stormwater outfalls and a one-year post-construction monitoring program, which will provide the data needed for future work in Lakewood's system. Lakewood will then be required to update its Integrated Wet Weather Improvement Plan to provide a comprehensive solution to address permitted and unpermitted overflows in the remainder of Lakewood's sewer system. Lakewood will ultimately be required to implement its updated Plan through a subsequent, enforceable agreement with the United States and the State of Ohio and demonstrate compliance with the Clean Water Act. Lakewood will pay a civil penalty of \$100,000, split evenly between the United States and the State. The State joins in the proposed Decree.

The Decree is a partial resolution of the civil claims of the United States and the State for the violations alleged in the Complaint. The Decree resolves the claims for civil penalty, but does not resolve the claims for injunctive relief. The injunctive relief claims will be fully resolved in a subsequent, enforceable agreement with the United States and the State in which Lakewood will be required to implement its updated Integrated Wet Weather Improvement Plan.

Pursuant to U.S. Department of Justice policy and 28 C.F.R. 50.7, the United States will publish notice of the lodging of the proposed Decree in the Federal Register to commence a 30-day public comment period. The Court should not sign the proposed Decree until the public has had an opportunity to comment and the United States has addressed those comments, if any. The

United States may withhold its consent to the proposed Decree if the comments disclose facts or considerations which indicate that the proposed Decree is improper, inappropriate, inadequate, or not in the public interest. At the conclusion of the public comment period, the United States will:

- (1) file with the Court any written comments received pertaining to the proposed Decree; and
- (2) either notify the Court of its withdrawal of the proposed Decree, or respond to comments received and request this Court to approve and enter the proposed Decree.

Respectfully submitted,

FOR THE UNITED STATES OF  
AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that today, the foregoing Notice of Lodging was filed electronically, and a copy was sent via email to counsel listed below.

/s/ Steven J. Paffilas

Steven J. Paffilas (OH 0037376)  
Assistant United States Attorney

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For the State:

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William Fischbein

For EPA:

Robert Thompson  
James Vinch